

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN SHAMS,

Appellant,

-against-

UNITED STATES TRUSTEE,

Appellee.

20 Civ. 2198 (LGS)

JOHN SHAMS,

Appellant,

-against-

SALVATORE LAMONICA,

Appellee.

20 Civ. 6102 (LGS)

JOHN SHAMS,

Appellant,

-against-

NEW YORK BUSINESS DEVELOPMENT  
CORPORATION,

Appellee.

20 Civ. 6262 (LGS)

ORDER

LORNA G. SCHOFIELD, United States District Judge:

WHEREAS, a notice of appeal of a bankruptcy order by pro se Appellant John Shams entered on March 11, 2020, in *In re Scorpion Fitness Inc.*, No. 20 Civ. 2198, untimely appealing a bankruptcy order approving the appointment of a Chapter 11 Trustee (“Appointment Order”). The notice attached a motion to extend the time to appeal the Appointment Order. The motion was transferred to the bankruptcy court and leave to file an interlocutory appeal was denied. The appeal was closed;

WHEREAS, the bankruptcy court issued an order denying Mr. Shams' motion to extend the time to appeal the Appointment Order ("Extension Order"), and a notice of appeal of the Extension Order entered on August 5, 2020, in *In re Scorpion Fitness Inc.*, No. 20 Civ. 6102;

WHEREAS, the bankruptcy court issued an order pursuant to 11 U.S.C. § 362(d) granting relief from the automatic stay imposed by 11 U.S.C. § 362(a) ("Stay Order"), and a notice of appeal of the Stay Order entered on August 10, 2020, in *In re Scorpion Fitness Inc.*, No. 20 Civ. 6262;

WHEREAS, Appellant filed a motion to consolidate his appeals in *In re Scorpion Fitness Inc.*, No. 20 Civ. 2198, seeking to consolidate the appeals of the Extension Order, Stay Order and his pending appeals of other orders entered in the bankruptcy proceeding. The motion is construed as a request to deem the appeals related for assignment to a single judge;

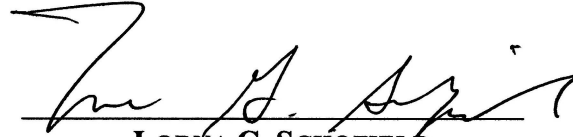
WHEREAS, pursuant to Local Civil Rule 13, "[b]ankruptcy appeals are deemed related if they arise from the same order or judgment of the bankruptcy court," and "[b]ankruptcy appeals . . . are not treated as related merely because they arise from the same bankruptcy proceeding." Mr. Shams has appealed different orders entered in his bankruptcy proceeding. It is hereby

**ORDERED** that Appellant's motion is GRANTED in part and DENIED in part. In the interest of justice and efficiency, Appellant's open appeals, including those pending in No. 20 Civ. 4654 (ER) and No. 20 Civ. 6139 (AT), have or will be reassigned to Magistrate Judge Katharine Parker for initial consideration, to be ultimately determined by the District Court Judge assigned to each case. A separate referral will issue in the respective appeals. It is further

**ORDERED** that Appellant is advised that his appeal in No. 20 Civ. 2198 is closed, and no further filings in that action will be accepted.

The Clerk of Court is respectfully directed to (1) file this Order in 20 Civ. 2198, 20 Civ. 6102 and 20 Civ. 6262, (2) close Dkt. No. 11 in 20 Civ. 2198 and (3) mail a copy of this Order to *pro se* Appellant.

Dated: August 18, 2020  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**